UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 January 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5 and 13-16* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-5 and 13-16* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some *   c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1. This office action is in response to an amendment filed 1/30/2008.

2. Claims 1 and 13 have been amended by the applicant.

3. Claims 2-5 and 14-16 are original.

4. Claims 6-12 and 17-31 have been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by

Skyrme (“*Full Product Review Adobe LiveMotion*”).

Regarding claims 1 and 13, Skyrme describes a method of keyframing an object

(sec. 2 pg. 1 2nd ¶ line 1: “*Placing an object creates a keyframe at that point and a*

certain length of display is shown on the timeline…“) implemented at least in part by a

computer (as illustrated in Fig. 1, sec. 1 on pg. 2, *therefore the method is comprised in a*

computer system having a graphical user interface that is therefore displayed by a

display device, Fig. 1, sec. 1 on pg. 2), comprising:

identifying at least one property (Fig. 1, sec. 1 on pg. 2) and a time for the object

(sec. 1 pg. 1 6th ¶ lines 3-6: “*…when you place an object on the stage…the object*

transform drop down menu for that object is opened and the Position clock face is

clicked…just put a tick in the little box that has opened.", in which a transform property

is indicated);

creating a first compound key frame at the time (sec. 2 pg. 1 2nd ¶ line 1: *"Placing*

an object creates a keyframe at that point and a certain length of display is shown on the

timeline as a pink line with a knob at each end.", in which a compound frame may be

created (Fig. 1 of sec. 1: *shown as frames that comprise the long pink line that contains*

associated properties at given instances in time, such as the illustrated: 'Object Opacity'

and 'Scale');

creating a second time for the object and creating a second compound key frame

at the second time (sec. 2 pg. 2 2nd ¶ lines 4-5: *"…you can insert a new keyframe by*

placing the Current Time Marker at a particular point…", where a second new keyframe

may be inserted at a new time position);

receiving a change to the at least one property prior to creating the second

compound key frame (Fig. 1 of sec. 1 on pg. 2 and in Figs. 1 & 2, pg. 2 of sec. 2, *where*

the play head (vertical line) may be moved about the compound keyframe interface

independently of the compound keyframes themselves to indicate the time at which to

apply a property, such as the properties of position, rotation, etc. illustrated in the

Figures that are indicated with a white diamond icon, therefore a user would be capable

of placing the play head after a first keyframe, but prior to creation of a second keyframe,

to enable a property or action to be applied to the second keyframe, as shown in Fig. 1 of

sec. 1 in which properties such as 'Object Opacity' and 'Scale' are illustrated), where

the second compound key frame incorporates the change to the property once the

keyframes are animated (sec. 2 pg. 2 3rd ¶ lines 1-4: *"If you want to apply a change to the*

object you can now move forward in the timeline...When played back, the object should

tween between the first and second keyframe giving a smooth action.", in which a second

compound fey frame that resides successively at a second time along a timeline

incorporates the applied action); and

      performing one of:

      creating an attribute key frame responsive to the received change to the at least

one property if no attribute key frame exists for the at least one property at the time the

received change is received (sec. 1 pg. 1 6th ¶ lines 3-7: *"By dragging your image around*

on stage, tweens are automatically inserted between keyframes..." and in sec. 2 pg. 2 3rd

¶ lines 2-3: *"The action can be applied by...selecting the...sliders or the round symbol to*

apply the desired effect.", where attribute key frame data, or tween data, is created for a

specific property at a given instance in time that exists between two compound frames

generated by the LiveMotion software to enable attribute data to be inserted between a

first keyframe and an existing keyframe located at a position later in the timeline through

interpolating the effect of the attribute or applied property over the entire timeline

between the frames, thereby enabling specific portions of the timeline which previously

contained no attribute to contain the desired effect during playback of the animation),

and

      changing an existing attribute key frame responsive to the received change to the

at least one property if the existing attribute key frame exists at the time the received

change is received (illustrated in Fig. 1 of sec. 1 on pg. 2 and in Figs. 1 & 2, pg. 2 of sec.

2, *where an applied property for the keyframes is adjusted from the transform drop down*

menu, and the resultant change is represented on the user interface, sec. 2 pg. 2 3rd ¶

lines 1-4),

where each attribute key frame is a key frame specific to the at least one property

of the object (sec. 2 pg. 3 1st ¶ lines 1-5: "*If you want to apply a change to the object you*

can now move forward in the timeline and then apply a filter or action to the

keyframe...and is just a matter of selecting the filter and then use sliders or the round

symbol to apply the desired effect. When played back, the object should tween between

the first and second keyframe giving a smooth action.", *where a frame is provided*

specifically at a given instance containing an applied object property on the timeline) and

each compound key frame is a key frame specific to all possible properties of the object

(sec. 2 pg. 1 1st ¶ lines 1-8: "*...a series of attributes already in place and more can be*

added at any time...The attributes and filters applied...affect only that object or layer

unless a series of objects is selected at the same time. The simplest way to select objects

is to go to the timeline and Ctrl + click the objects...it will affect all the selected objects

at the same time and in the same way.", *where each compound key frame is described to*

provide data describing a plurality of properties applied to the object, in which several

properties are indicated along the stream of compound frames, Fig. 1 of sec. 1).

Regarding claims 2 and 14, Skyrme describes receiving additional times for the

object and creating associated compound key frames at each of the additional times (sec.

2 pg. 2 2nd ¶ lines 4-5: "*Now you can insert a new keyframe by placing the Current Time*

Marker at a particular point..." and in 3rd ¶ lines 2-3: "*The action can be applied by the*

menu box to the right of the desktop, and is just a matter of selecting the filter and then

use sliders or the round symbol to apply the desired effect.").

Regarding claims 3 and 15, Skyrme describes receiving the second time for the object comprises moving a playhead to a position on a timeline in a user interface, the position corresponding to the second time (sec. 2 pg. 2 2nd ¶ lines 4-5: "*Now you can insert a new keyframe by placing the Current Time Marker at a particular point…*").

Regarding claims 4 and 16, Skyrme illustrates entering an animate mode prior to creating the first compound key frame (Fig. 1 of sec. 1, *where a user interface is shown that comprises an animation mode that is initialized to enable the user to enter in keyframes, in which after user input timelines are displayed*).

Regarding claim 5, Skyrme illustrates that each of the first and second compound key frames represents the state of the at least one property on the object at the associated time (Fig. 1 of sec. 1, *where the pink stream of compound frames is shown to have representative properties indicated as diamond icons, such as 'Object Opacity' and 'Scale'*).

Response to Arguments

Applicant's arguments filed 1/30/08 have been fully considered but they are not persuasive.

The applicant argues on pg. 5 6th ¶ lines 1-2 - pg. 6 1st ¶ lines 1-5 of the remarks that the teachings of the Applicant's Specification is different from the teachings of the Skyrme reference. However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., pg. 6 1st ¶ lines 1-5: "*…distinction is set forth in the specification of the present application at paragraph 0008…As noted at paragraph 0025…*") are not

recited in the rejected claim(s). Although the claims are interpreted in light of the
specification, limitations from the specification are not read into the claims. See *In re
Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant also argues on pg. 6 1st ¶ lines of the remarks that Skyrme does not
teach a distinction between an attribute key frame and a compound key frame. However,
Skyrme distinguishes an attribute keyframe as a keyframe provided at an instance in time
along a timeline between a preceding and succeeding keyframe (sec. 2 pg. 3 1st ¶ lines 1-
5: "*If you want to apply a change to the object you can now move forward in the timeline
and then apply a filter or action to the keyframe…and is just a matter of selecting the
filter and then use sliders or the round symbol to apply the desired effect. When played
back, the object should tween between the first and second keyframe giving a smooth
action.*" and in sec. 2 pg. 2 3rd ¶ lines 2-3: "*The action can be applied by…selecting
the…sliders or the round symbol to apply the desired effect.*", in which the attribute key
frame thereby contains the property associated with the first an second frames, in which
the attribute frame contains an associated property that previously did not exist at that
position*). Skyrme also indicates a compound key frame that may be inserted at a plurality
of positions in time (sec. 2 pg. 1 2nd ¶ line 1: "*Placing an object creates a keyframe at
that point and a certain length of display is shown on the timeline as a pink line with a
knob at each end.*" and in sec. 1 pg. 1 6th ¶ lines 3-6: "*…when you place an object on the
stage…the object transform drop down menu for that object is opened and the Position
clock face is clicked…just put a tick in the little box that has opened.*", in which a user
may enable a particular property, such as 'Transform', to be applied to each given
compound frame along the timeline*).

The applicant also argues on pg. 6 2nd ¶ lines of the remarks that Skyrme does not

teach that responsive to the received change to the at least one property, an attribute key

frame is created if no attribute key frame exists for the at least one property at the time

the received change is received, or an existing attribute key frame is changed if the

existing attribute key frame exists at the time the received change is received. However,

Skyrme clearly suggests that responsive to the received change to the at least one

property, an attribute key frame is created if no attribute key frame exists for the at least

one property at the time the received change is received, or an existing attribute key

frame is changed if the existing attribute key frame exists at the time the received change

is received (sec. 1 pg. 1 6th ¶ lines 3-7: *"By dragging your image around on stage, tweens*

are automatically inserted between keyframes…" and in sec. 2 pg. 2 3rd ¶ lines 2-3: *"The*

action can be applied by…selecting the…sliders or the round symbol to apply the desired

effect.", *where attribute key frame data, or tween data, is created for a specific property*

at a given instance in time that exists between two compound frames generated by the

LiveMotion software to enable attribute data to be inserted between a first keyframe and

an existing keyframe located at a position later in the timeline through interpolating the

effect of the attribute or applied property over the entire timeline between the frames,

thereby enabling specific portions of the timeline which previously contained no attribute

to contain the desired effect during playback of the animation).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SAID BROOME whose telephone number is (571)272-

2931. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ulka Chauhan can be reached on (571)272-7782. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Said Broome/
Examiner, Art Unit 2628

/Ulka Chauhan/
Supervisory Patent Examiner, Art Unit 2628